

Chapter 21

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APPELLATE COURT FEES

21.010 Filing and appearance fees on appeal. (1) Except as provided in subsection (2) of this section, the appellant in an appeal or the petitioner in a judicial review in the Supreme Court or the Court of Appeals shall pay a filing fee of \$100 in the manner prescribed by ORS 19.035. The respondent in such case, upon entering first appearance or filing first brief in the court, shall pay to the State Court Administrator the sum of \$60. The party entitled to costs and disbursements on such appeal shall recover from the opponent the amount so paid.

(2) Filing and appearance fees shall not be assessed in appeals from habeas corpus proceedings under ORS 34.710, post-conviction relief proceedings under ORS 138.650, juvenile court under ORS 419.561 and the involuntary commitment of allegedly mentally ill persons under ORS 426.135 or allegedly mentally retarded persons under ORS 427.295, or on judicial review of orders of the Psychiatric Security Review Board under ORS 161.385 (8) or orders of the State Board of Parole and Post-Prison Supervision.

(3) Filing and appearance fees shall be assessed in an appeal from an appeal to a circuit or district court from a justice court or municipal court in an action alleging commission of a state offense designated as a violation or infraction or an action alleging violation of a city charter or ordinance, but not in an action alleging commission of a state crime.

(4) Filing and appearance fees shall be assessed in an appeal in a contempt proceeding but, on motion of a party after the decision on appeal, the court shall refund any filing or appearance fee if the court determines that the proceeding was a criminal action. [Amended by 1963 c.556 §1; 1967 c.398 §3, 1969 c.198 §50; 1981 s.s. c.3 §66, 67; 1985 c.734 §15; 1987 c.852 §4]

21.020 Fees for copies of papers, and for affixing seal. For making and certifying to a copy of any opinion, pleading, judgment, decree, paper or record of the office of the State Court Administrator for private parties, and not in the course of the regular court proceedings, the State Court Administrator shall collect the sum of 15 cents for each page. For affixing the seal of the court where not in the course of the regular court proceedings the State Court Administrator shall collect \$1. [Amended by 1967 c.398 §4; 1969 c.198 §51; 1971 c.193 §25]

21.030 [Repealed by 1967 c.398 §10]

21.040 Filing fees in cases of original jurisdiction. In cases of original jurisdiction in the Supreme Court, the plaintiff or moving party shall pay \$25 and the defendant or re-

spondent shall pay \$15 on the filing of their first paper. [Amended by 1967 c.398 §5]

21.050 [Amended by 1969 c.198 §52; 1971 c.193 §26; repealed by 1981 s.s. c.1 §25]

CIRCUIT AND DISTRICT COURT FEES

21.060 Circuit or district court fees. In the circuit or district court there shall be charged and collected in advance by the clerk of the court the following fees for the following purposes and services:

(1) Making transcription from judgment docket in the format provided in ORCP 70 A., \$4.

(2) Filing and docketing transcript of judgment in the format provided in ORCP 70 A., \$4.

(3) Filing and docketing copy of foreign judgment and affidavit filed as provided in ORS 24.115 and 24.125 or copy of custody decree of another state filed as provided in ORS 109.850, \$25.

(4) Issuing writs of execution or writs of garnishment, \$3 for each writ.

(5) Preparing clerk's certificate of satisfaction of judgment, \$3.75.

(6) For any service the clerk may be required or authorized to perform and for which no fee is provided by law, such fees as the Chief Justice of the Supreme Court may establish or authorize, except that no fee shall be charged for location or inspection of court records. [1981 s.s. c.3 §81; 1983 c.308 §1; 1985 c.496 §16]

21.070 Disposition of fees. Except as otherwise specifically provided by law, all fees collected by the clerk of a circuit or district court shall be deposited in the General Fund available for general governmental expenses. [1981 s.s. c.3 §82; 1983 c.763 §40]

CIRCUIT COURT FEES (OTHER THAN PROBATE MATTERS)

21.110 Filing and appearance fees. At the time of filing in the circuit court of any civil action, suit or proceeding, including appeals, but not including any probate, conservatorship, guardianship, adoption or change of name proceeding, and except as provided in ORS 105.130, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party the sum of \$65 as a flat and uniform filing fee. The clerk shall also, at the time of filing any appearance in any such action, suit or proceeding upon the part of any defendant or respondent appearing separately, or upon the part of defendants or respondents appearing jointly, collect from such party or parties the sum of \$32.50 as a flat and uniform filing fee. No paper or pleading shall be deemed filed unless the re-

quired fee is paid. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any such action, suit or proceeding, except where additional fees are specially authorized by law. [Amended by 1955 c.458 §1; 1959 c.563 §2; 1965 c.619 §8; 1971 c.621 §1; 1975 c.607 §1; 1979 c.833 §3; 1981 s.s. c.3 §868, 69, 1983 c.581 §2; 1983 c.763 §20; 1985 c.496 §1]

21.112 Fee for filing domestic relations suit in county with conciliation or mediation services. In a county in which the circuit court is providing conciliation services under ORS 107.510 to 107.610 or mediation services under ORS 107.755 to 107.785 or both, there shall be collected by the clerk of the circuit court at the time of filing in the circuit court of a domestic relations suit as defined in ORS 107.510, in addition to all other fees collected, a fee in an amount determined by the governing body of the county to be necessary, in addition to any other funds used therefor, to pay the expenses of providing the services and established by order or rule of the governing body filed with the clerk of the court. Fees so collected shall be paid, in the manner determined by the State Court Administrator, to the appropriate officer of the county within the first 25 days of the month following the month in which collected. The fees shall be used by the county to pay the expenses of providing the services. [1963 c.434 §11; 1971 c.280 §20, 1975 c.607 §2; 1979 c.833 §4; 1981 c.835 §1; 1981 s.s. c.3 §70; 1983 c.671 §6; 1983 c.763 §38; 1985 c.412 §1]

21.115 [Formerly 21.210, 1965 c.619 §9; renumbered 21.375]

21.120 [Amended by 1959 c.453 §1, 1963 c.519 §6; 1965 c.619 §10; 1967 c.111 §2, 1971 c.621 §2, 1981 c.571 §1; 1981 s.s. c.3 §71; repealed by 1981 s.s. c.3 §141]

21.130 [Amended by 1959 c.678 §1; 1963 c.519 §7, 1965 c.619 §11; 1967 c.111 §3; 1971 c.61 §1; 1979 c.631 §1; repealed by 1981 s.s. c.3 §141]

21.140 [Amended by 1961 c.563 §1; 1963 c.519 §8; 1965 c.619 §12; renumbered 21.350]

21.150 [Amended by 1963 c.519 §9; repealed by 1965 c.619 §39]

21.210 [Amended by 1955 c.458 §2; renumbered 21.115 and then 21.375]

21.220 [Amended by 1963 c.519 §10; repealed by 1965 c.619 §39]

21.230 [Amended by 1963 c.519 §11, repealed by 1965 c.619 §39]

21.240 [Amended by 1959 c.563 §3; 1963 c.519 §12; repealed by 1965 c.619 §39]

21.250 [Amended by 1963 c.519 §13, repealed by 1965 c.619 §39]

21.260 [Amended by 1959 c.563 §4, 1963 c.519 §14, repealed by 1965 c.619 §39]

21.270 Trial fees, including jury trial fee. (1) In any civil action, suit or proceeding in the circuit court, other than a probate, conservatorship, guardianship, adoption or change of name proceeding, trial fees shall be collected as provided in this section.

(2) The clerk of the circuit court shall collect from the plaintiff, appellant or moving party, for a trial on the merits without a jury, a trial fee of \$50 for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for trial. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(3)(a) The clerk shall collect from the plaintiff or appellant, for a trial by jury, a jury trial fee of \$125 for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for trial by jury. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(b) If the plaintiff or appellant waives a trial by jury, and the defendant or respondent desires a trial by jury, the clerk shall collect the jury trial fee from the defendant or respondent, and not from the plaintiff or appellant.

(c) A case in which the jury trial fee for the first day of trial has not been paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee for the first day of trial has not been paid is tried by a jury by order of court, the clerk shall tax against the losing party as costs and disbursements, to be collected for the benefit of the state, the total amount of the jury trial fee.

(d) The trial fee provided for in subsection (2) of this section shall not be collected in any case in which a jury trial fee has been paid by either party and not refunded.

(4) If a counterclaim, cross-claim or third party claim is tried on any day other than a day on which the claim of the plaintiff is tried, the clerk shall collect from the party asserting the counterclaim, cross-claim or third party claim the trial fee or jury trial fee, whichever is applicable, for that day, and shall not collect the applicable fee for that day from the plaintiff. If the party asserting a counterclaim, cross-claim or third party claim waives a trial by jury on the claim, and the party defending against the claim desires a trial by jury on the claim, the clerk shall collect the jury trial fee from the defending party and not from the asserting party.

(5) The fees provided for in this section include any reporting of the trial proceedings, but not the preparation of transcripts of a report.

(6) Except as otherwise provided in paragraph (c) of subsection (3) of this section, the fees provided for in this section that are paid by a party shall be considered costs and disbursements and may be taxed and collected as other costs and disbursements by the prevailing party. [Amended by 1963 c 519 §15; 1965 c.619 §13; 1971 c 621 §4; 1975 c 607 §4, 1979 c.833 §5; 1981 s.s. c.3 §§72, 73; 1983 c.763 §21; 1985 c.496 §2]

21.275 Hearing fees for reported hearings. (1) In any civil action, suit or proceeding in the circuit court, other than a probate, conservatorship, guardianship, adoption or change of name proceeding, hearing fees for reported hearings shall be collected as provided in this section. There is no hearing fee under this section for a hearing not reported.

(2) As used in this section:

(a) "Hearing" means an actual appearance of one or more parties before the court for an examination by the court without a jury, other than a trial or during a trial for which a trial fee is required, of issues of fact or law arising from a motion, application, petition or other paper filed with the court by a moving party, but does not include a conference solely for the purpose of case settlement or case scheduling.

(b) "Moving party" means a party who files with the court a motion, application, petition or other paper referred to in paragraph (a) of this subsection.

(c) "Nonmoving party" means a party other than a moving party.

(3) The clerk of the circuit court shall collect the hearing fees. The fee for a reported hearing is \$20 if the hearing period is not more than three hours or \$50 if the hearing period is more than three hours. The fee does not include the preparation of transcripts of a report.

(4) If a hearing in respect to the paper filed by the moving party is required by statute or rule, the paper shall indicate whether the moving party requests that the hearing be reported, and if reporting is requested, shall contain an estimate of the hearing period. If the moving party requests reporting, the moving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the paper is filed. If the moving party does not request reporting and a nonmoving party files a request for reporting with the court, the request shall contain an estimate of the hearing period, and the nonmoving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the request is filed.

(5) If a hearing in respect to the paper filed by the moving party is not required by

statute or rule, the paper shall indicate whether the moving party requests a hearing. The paper also shall indicate whether the moving party requests that the hearing be reported, and if reporting is requested, shall contain an estimate of the hearing period. If the moving party requests reporting, the moving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the paper is filed. If the moving party does not request reporting and a nonmoving party files a request for reporting with the court, the request shall contain an estimate of the hearing period, and the nonmoving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the request is filed.

(6) If a hearing in respect to the paper filed by the moving party is not required by statute or rule or requested by the moving party and a nonmoving party files a request for hearing with the court, the request also shall indicate whether the nonmoving party requests that the hearing be reported, and if reporting is requested, shall contain an estimate of the hearing period. If the nonmoving party requests reporting the nonmoving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the request is filed. If the nonmoving party does not request reporting and the moving party files a request for reporting with the court, the request shall contain an estimate of the hearing period, and the moving party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the request is filed.

(7) If a hearing in respect to the paper filed by the moving party is not required by statute or rule or requested by a party, but the court on its own motion orders a hearing and a party files a request that the hearing be reported with the court, the request shall contain an estimate of the hearing period, and the party shall pay the applicable hearing fee, based upon the estimate of the hearing period, when the request is filed. If the court on its own motion orders a hearing, no party requests reporting and the court on its own motion orders that the hearing be reported, the court order shall contain an estimate of the hearing period, and each party shall pay an equal proportionate share of the applicable hearing fee, based upon the estimate of the hearing period, before the hearing is held.

(8) No paper containing a request for reporting or other request for reporting referred to in subsections (4) to (7) of this section shall be deemed filed unless the fee required by those subsections of the filing party is paid by the party.

(9) The fees provided for in this section that are paid by a party shall be considered costs and disbursements and may be taxed and collected as other costs and disbursements by the prevailing party. [1985 c.496 §4]

21.280 [1959 c.563 §1; 1963 c.519 §16, repealed by 1965 c.619 §39]

PROBATE FEES

21.310 Probate filing fees and trial fee.

(1) Except as provided in ORS 114.515, in a court having probate jurisdiction, the clerk of the court shall charge and collect the following fees for the filing of the initial papers in any probate proceeding, including petitions for the appointment of personal representatives, probate of wills and contest of wills, or in any conservatorship proceeding:

Where the amount of the estate is:

1. Not more than \$10,000—a fee of \$15.
2. More than \$10,000 and not more than \$25,000—a fee of \$50.
3. More than \$25,000 and not more than \$50,000—a fee of \$100.
4. More than \$50,000 and not more than \$100,000—a fee of \$150.
5. More than \$100,000—a fee of \$200.

(2) In determining fees under subsection (1) of this section in a probate proceeding, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(3) In a court having probate jurisdiction, the clerk shall charge and collect a fee of \$15 for the filing of the initial papers in any guardianship proceeding.

(4) In a court having probate jurisdiction, the clerk shall charge and collect a fee of \$5 at the time of filing a will without a petition for probate.

(5) At the time of filing any answer, motion or objection in a probate, conservatorship or guardianship proceeding, the party filing the answer, motion or objection shall pay a fee of \$12 to the clerk.

(6) No paper referred to in subsection (1), (3) or (5) of this section shall be deemed filed unless the required fee is paid by the filing party.

(7) In any probate, conservatorship or guardianship proceeding in a court having probate jurisdiction, the clerk shall charge and collect in advance from the party having the affirmative of the issue, at the time the proceeding comes on for trial or hearing upon the issues of fact or law involved

therein, a trial or hearing fee of \$25. [Amended by 1955 c.458 §3; 1965 c.619 §14, 1971 c.621 §5; 1973 c.506 §1, 1975 c.607 §5, 1979 c.833 §6, 1981 s.s. c.3 §74, 1985 c.496 §5]

21.313 [1959 c.452 §2; 1967 c.111 §4, repealed by 1969 c.591 §305]

21.315 [Formerly 21.360; repealed by 1965 c.619 §39]

21.320 Appearance fees in adoption or change of name proceedings. (1) In a court having jurisdiction, the clerk of the court shall charge and collect:

(a) In an adoption proceeding, a first appearance fee of \$25 from the party filing the petition for adoption, and a first appearance fee of \$15 from an objecting party appearing separately or objecting parties appearing jointly.

(b) In a change of name proceeding, a first appearance fee of \$25 from the party filing the application for change of name, and a first appearance fee of \$15 from an objecting party appearing separately or objecting parties appearing jointly.

(2) No petition, application or other paper constituting an appearance referred to in subsection (1) of this section shall be deemed filed unless the required fee is paid by the filing party.

(3) In any adoption or change of name proceeding in a court having jurisdiction, the clerk of the court shall charge and collect in advance from the party having the affirmative of the issue, at the time the proceeding comes on for trial or hearing upon the issues of fact or law involved therein, a trial or hearing fee of \$25. [Amended by 1963 c.519 §17; 1965 c.619 §15; 1967 c.534 §10; 1971 c.621 §6, 1975 c.607 §6, 1979 c.833 §7; 1981 s.s. c.3 §§75, 76; 1985 c.496 §7]

21.330 [Amended by 1961 c.563 §2; 1963 c.519 §18; repealed by 1965 c.619 §39]

21.340 [Amended by 1963 c.519 §19; repealed by 1965 c.619 §39]

LAW LIBRARY FEES

21.350 Law library fees. (1) In counties containing more than 400,000 inhabitants, according to the latest federal decennial census, or when directed as provided in ORS 9.840, the clerk of the court shall collect in each civil suit, action or proceeding filed in the circuit, district or county court a law library fee determined by the county court or board of county commissioners in an amount not greater than 40 percent of the filing fee provided by law. This fee shall be collected in the same manner as other fees are collected in the suit, action or proceeding, and is in addition to the other fees provided by law.

(2) The fee provided in subsection (1) of this section may be collected if the county owns and maintains, or hereafter may acquire, own or maintain under the provisions

of ORS 9.840 and 9.850, a law library at the county seat, available at all reasonable times to the use of litigants, and permitted to be used by all attorneys at law duly admitted to practice in this state, without additional fees to such litigants or attorneys. [Formerly 21.140; 1973 c.381 §6; 1981 s.s. c.3 §77]

21.360 [Amended by 1955 c.458 §4; renumbered 21.315]

21.370 [Amended by 1963 c.519 §20; repealed by 1965 c.619 §39]

CLERK FEES

21.375 Clerk fees. In the county court there shall be charged and collected in advance by the county clerk as clerk of the court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Making transcription from judgment docket in the format provided in ORCP 70 A., \$4.

(2) Filing and docketing transcript of judgment in the format provided in ORCP 70 A., \$4.

(3) Filing and docketing copy of foreign judgment and affidavit filed as provided in ORS 24.115 and 24.125, \$25.

(4) Issuing writs of execution or writs of garnishment, \$3 for each writ.

(5) Preparing clerk's certificate of satisfaction of judgment, \$3.75.

(6) For any service not enumerated in this section, the fees provided or established under ORS 205.320. [Formerly 21.210 and then 21.115; 1971 c.621 §7; 1975 c.607 §8; 1979 c.833 §8, 1981 c.883 §30; 1981 c.898 §23; 1981 s.s. c.3 §83; 1985 c.496 §17]

21.380 [Amended by 1963 c.519 §21; repealed by 1965 c.619 §39]

SHERIFF AND PROCESS SERVER FEES

21.410 Sheriff and process server fees for services in civil actions, suits and proceedings. (1) The sheriff of every county and any other person serving process, in all civil actions, suits and proceedings, except as provided in paragraph (a) of this subsection, for each case delivered to the office of the sheriff or other person on one day, shall collect the following fees:

(a) For serving summons, subpoena, citation, order, notice or similar documents, including small claims or writ of execution, directed to not more than two different parties at the same address, \$20; otherwise \$20 for each party for which service is requested, unless the process server has contracted separately for a lower fee with the requesting person. The fee authorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings where

one party is an indigent person who has been appointed counsel at state expense.

(b) For serving notice of seizure and sale of personal or real property, writ of restitution, or other seizure under writ of attachment or execution, or other process or proceeding, \$20.

(c) For seizure and sale of personal or real property, enforcement of writ of restitution, or other enforcement or seizure under writ of attachment or execution, or other process or proceeding, \$47, and, in addition, such sums as may be reasonable and necessary to secure each keeper or custodian of property in custody, the expense of inventory of property in custody and expense incurred in newspaper advertising required by law in the execution of process.

(d) For making a conveyance of real property sold on any process, \$15, to be paid by, or for, the grantee.

(e) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of complaint or other paper not actually made by the sheriff.

(f) For entering and processing distraint warrants for state agencies, \$6.25 each.

(2) Fees collected for service by the sheriff shall be retained for the benefit of the county where the party to be served cannot be found.

(3) No mileage or commission shall be collected for service of any document or process but in any service involving travel in excess of 100 miles round trip an additional fee of \$12.50 shall be billed and collected. [Amended by 1959 c.620 §1; 1965 c.619 §16; 1969 c.252 §1; 1973 c.393 §1; 1975 c.607 §9, 1977 c.547 §1; 1979 c.833 §9; 1981 c.835 §2; 1981 c.883 §31; 1989 c.910 §1; 1989 c.1053 §1]

21.420 Itemized statement of fees. The return on any summons, process, subpoena or other paper served by a sheriff shall be accompanied by a subjoined itemized statement of the charges made for the service thereof, including the mileage actually and necessarily traveled in making the service.

TRANSCRIPT FEES

21.460 [Amended by 1961 c.446 §1; 1975 c.607 §10; 1979 c.833 §10; 1981 s.s. c.3 §84, 85; repealed by 1985 c.496 §32]

21.470 Transcript fees. (1) The fees of the official reporter of the circuit court for preparing transcripts on appeal as provided in ORS 8.350 shall be not more than \$2.50 per page for the original copy, such page to consist of 25 lines with margins of one and one-half inches on the left-hand side and one-half inch on the right-hand side, not more than 25 cents per page for one copy of

the original, and not more than 25 cents per page for each additional copy. Except as otherwise provided by law, the fees for preparing a transcript requested by a party shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case. The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the state from funds available for the purpose.

(2) Where the court provides personnel to prepare transcripts from audio records of court proceedings, the transcript fees provided in subsection (1) of this section to be paid by a party shall be paid to the clerk of the court. [Amended by 1959 c 446 §1, 1971 c 565 §15; 1973 c.195 §1; 1979 c 833 §11, 1981 s.s. c 3 §46; 1987 c 796 §1]

LEGAL AID FEES

21.480 Legal aid fees in circuit courts. In all counties wherein legal representation is provided for the poor without fee by a nonprofit legal aid program organized under the auspices of the Oregon State Bar, the county bar association or the Legal Services Corporation Act (Public Law 93-355 or successor legislation), there shall be collected by the clerk of the circuit court from the plaintiff or other moving party in each civil suit, action or proceeding in the circuit court at the time of filing the first paper therein, in addition to all other fees collected and in the same manner, the sum of \$13 beginning on May 16, 1983, and \$22 beginning July 1, 1989, to assist in defraying the operative costs of such legal aid program. [1977 c.112 §1; 1981 c 664 §1; 1983 c.114 §1; 1985 c.342 §5, 1989 c 385 §1]

21.485 Legal aid fees in district courts. In all counties where a district court is maintained, and in which fees are collected pursuant to ORS 21.480 by the clerk of the circuit court in civil cases to defray the costs of a nonprofit legal aid program organized under the auspices of the Oregon State Bar, the county bar association or the Legal Services Corporation Act or successor legislation, the clerk of the district court shall collect from the plaintiff or other moving party in each civil suit, action or proceeding in the district court at the time of filing the first paper therein, in addition to all other fees collected and in the same manner, the following sums to assist in defraying the operative costs of such legal aid program:

(1) The sum of \$5.50 beginning on May 16, 1983.

(2) The sum of \$8.50 beginning on July 1, 1989, in all civil suits, actions and proceedings except those civil suits, actions and proceedings commenced in the small claims department of the district court, in which

cases the sum collected shall remain \$5.50. [1977 c 112 §2, 1981 c.664 §2; 1983 c.114 §2; 1985 c 342 §6; 1989 c.385 §2]

21.490 Disposition of fees. All fees collected pursuant to ORS 21.480 and 21.485 shall be paid, in the manner determined by the State Court Administrator, to the director of the legal aid program in the county within the first 25 days of the month following the month in which collected. [1977 c 112 §3; 1983 c.763 §39]

REFEREE FEES

21.510 Referee fees. The fees of referees shall be fixed by the court, but the parties may agree in writing upon any other rate of compensation and thereupon such rate shall be allowed.

21.520 [1979 c 429 §1, renumbered 205.245]

21.530 [1979 c.429 §2; renumbered 205.255]

LIABILITY FOR AND PAYMENT OF FEES

21.560 [Repealed by 1983 c 763 §24]

21.570 [Amended by 1965 c.619 §17; 1967 c.398 §6, repealed by 1983 c.763 §24]

21.580 Exemption of state, county and city from certain fees. None of the fees prescribed in ORS 21.060 for services in the circuit court shall be collected from the state or from the county or a city in the county in which the court is located. [Amended by 1965 c.619 §18, 1981 s.s. c.3 §87; 1983 c.763 §22; 1985 c 496 §26]

21.590 [Repealed by 1981 s.s. c 3 §141]

21.600 [Amended by 1965 c.619 §19; 1967 c.398 §7; repealed by 1985 c 496 §32]

21.605 Waiver of fees and costs for indigents; fees and costs as judgment for public body; payment by State Court Administrator. (1)(a) The Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, a judge of a circuit, district or county court or a justice of the peace may waive in whole or in part, defer in whole or in part, or both, all fees and court costs payable by a party to a particular civil action or proceeding in the court of the justice or judge, upon application by the party, if the justice or judge finds that the party is then unable to pay all or any part of the fees and costs.

(b) No fee shall be required for filing an application under paragraph (a) of this subsection.

(c) In the judgment or other final written disposition of the action or proceeding the court shall note the dollar amount of the fees and costs not waived and then unpaid, and that amount shall be a judgment in favor of the public body to which the fees and costs are owed. Failure of the court to perform the duty imposed by this paragraph does not

otherwise affect the validity of the judgment or other final written disposition.

(d) The judgment or other final written disposition of the action or proceeding may also contain an order for the payment of the amount of the fees and costs not waived and then unpaid not later than a date certain or on the happening of one or more events. A default in payment by the person so ordered to pay shall subject the person to a contempt proceeding.

(e) A judgment or other final written disposition rendered under this subsection may be filed, entered and docketed as a judgment in any county in this state.

(2) If fees and court costs payable by a party to a civil action or proceeding have been waived or deferred under subsection (1) of this section, that party shall not be required to pay any fees or costs so waived or deferred except as provided in subsection (1) of this section, and any pleading, petition, application, request, motion, claim, demand, exception or other paper or appearance presented by that party for filing or acceptance in the action or proceeding shall be filed or accepted without the payment of any such fees or costs.

(3)(a) If fees and court costs payable by a party to a civil action or proceeding have been waived or deferred under subsection (1) of this section, the Chief Justice in an appeal to the Supreme Court pursuant to the original appellate jurisdiction of the court, the Chief Judge in an appeal to the Court of Appeals, a judge of a circuit court in an appeal to the circuit court or a judge of a district court in an appeal to the district court may order that the expense of preparing the record and transcript on appeal be waived in whole or in part, deferred in whole or in part, or both. That expense, to the extent waived or deferred, shall be paid by the State Court Administrator out of funds appropriated for the purpose.

(b) If costs on appeal are awarded to a party who has obtained a waiver or deferral under paragraph (a) of this subsection, any portion of the costs awarded for the expense of preparing the record and transcript on appeal shall be ordered paid to the State Court Administrator to the extent of the expense waived or deferred and actually paid by the administrator.

(4) In any case in which fees and court costs have been waived or deferred under this section, a judgment or other final written disposition shall be rendered as in other cases, but the state shall not be liable for the payment of any fees or costs awarded against a party whose fees or costs have been waived or deferred.

(5) In the exercise of the authority granted by ORS 1.002, the Chief Justice of the Supreme Court may provide by rule standards and practices for waiver or deferral of fees, court costs and expense under this section. [1969 c 288 §1, 1973 c 67 §1; 1977 c.416 §2; 1981 s.s. c.3 §88; 1983 c.673 §24; 1985 c.342 §24; 1985 c 496 §24]

21.610 [Amended by 1963 c.519 §22, repealed by 1965 c.619 §39]

21.615 Payment of certain fees in appeal to circuit court in any criminal action other than for state crime. (1) In an appeal to a circuit court from a justice's court or municipal court in an action for commission of a state violation or infraction or an action for violation of a city charter or ordinance, but not in an action for commission of a state crime:

(a) The filing, trial and law library fees required by ORS 21.110, 21.270 and 21.350 are required of the appellant and respondent.

(b) The legal aid fee required by ORS 21.480 is required of the appellant.

(2) Payment of fees required by subsection (1) of this section is subject to ORS 20.140.

(3) Fees required by subsection (1) of this section may be waived or deferred by a judge of the circuit court for the reason and in the manner provided in ORS 21.605. [1985 c.342 §27]

21.620 [Amended by 1963 c 519 §23, 1965 c 619 §20, repealed by 1981 s.s. c.3 §141]

21.630 [Repealed by 1955 c 458 §5]

21.640 [Repealed by 1955 c 458 §5]

21.650 [Repealed by 1955 c.458 §5]

21.660 Advance payment of, or security for, fees for services in court proceedings. Except as provided in ORS 20.140, and except the fees for which advance payment or a deposit is otherwise required by law, every officer, witness, or other person required to do or perform any act or service for any party to any action, suit or proceeding in a court of justice in this state shall be entitled to demand and receive from such party the compensation which the law allows therefor in advance; but a party may at the option of the party pay the fees of the officers of the court in advance, or give such officers an undertaking with sufficient sureties therefor. The fees secured to the officers, or any of them, by any party to the judgment or decree, may be collected by an execution against the property of such party and that of the sureties of the party in the undertaking therefor. Such officers' execution may issue in the name of the clerk as plaintiff in the writ, and for the benefit of all officers to whom fees are so due and secured, whenever an execution might issue to en-

force the judgment or decree at the instance of the prevailing party.

21.670 Duty of officer receiving fees to give receipted cost bill. An officer receiving fees for any official services must, upon demand, give the party paying the same a receipted bill thereof, specifying the items of such fees.

MISCELLANEOUS PROVISIONS AS TO FEES

21.710 "Folio" defined. As used in this chapter, "folio" means 100 words, counting two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.

21.720 [Repealed by 1981 s.s. c 3 §141]

21.730 Per diem and mileage for private persons performing services by law or in execution of process. All private persons performing services required by law or in the execution of legal process, when no express provision is made for their compensation shall be entitled to \$3 for each day so employed, and mileage for any necessary travel, going and returning, at the rate of eight cents a mile, and no more.

PENALTIES

21.990 Penalties. Any officer refusing or neglecting to comply with ORS 21.670 shall be liable to the party demanding the receipt for a penalty of \$25.
